

## MUNGER, TOLLES &amp; OLSON LLP

355 SOUTH GRAND AVENUE  
THIRTY-FIFTH FLOOR  
LOS ANGELES, CALIFORNIA 90071-1560

TELEPHONE (213) 683-9100

FACSIMILE (213) 687-3702

560 MISSION STREET  
SAN FRANCISCO, CALIFORNIA 94105-2907

TELEPHONE (415) 512-4000

FACSIMILE (415) 512-4077

February 19, 2015

RONALD L. OLSON<sup>1</sup>  
ROBERT E. DENHAM  
JEFFREY I. WEINBERGER  
CARY B. LERMAN  
GREGORY P. STONE  
BRAD D. BRIAN  
BRADLEY S. PHILLIPS  
GEORGE M. GARVEY  
WILLIAM D. TENKO  
STEPHEN M. KRISTOVICH  
JOHN W. SPIEGEL  
TERRY E. SANCHEZ  
STEVEN M. PERRY  
MARK B. HELM  
JOSEPH D. LEE  
MICHAEL R. DOYEN  
MICHAEL E. SOLOFF  
GREGORY D. PHILLIPS  
KATHLEEN M. McDOWELL  
GLENN D. POMERANTZ  
THOMAS B. WALPER  
PATRICK J. CAFFERTY, JR.  
JAY M. FUJITANI  
O'MALLEY M. MILLER  
SANDRA A. SEVILLE-JONES  
MARK H. EPSTEIN  
HENRY WEISSMANN  
KEVIN S. ALLRED  
BART H. WILLIAMS  
JEFFREY A. HEINTZ  
JUDITH T. KITANO  
KRISTIN LINSLEY MYLES  
MARC T.G. DWORSKY  
JEROME C. ROTH  
STEPHEN D. ROSE  
JEFFREY L. BLEICH  
GARTH T. VINCENT  
TED DANE  
STUART N. SENATOR  
MARTIN D. BERN  
DANIEL P. COLLINS  
ROBERT L. DELL ANGELO  
BRUCE A. ABBOTT  
JONATHAN E. ALTMAN  
MARY ANN TODD  
MICHAEL J. O'SULLIVAN  
KELLY M. KLAUS  
DAVID B. GOLDMAN  
KEVIN S. HASUDA  
HOJUN HWANG

<sup>1</sup>A PROFESSIONAL CORPORATION

PETER A. DETRE  
DAVID H. FRY  
LISA J. DEMSKY  
MALCOLM A. HEINICKE  
GREGORY J. WEINGART  
TAMERLIN J. GODLEY  
JAMES C. RUTTEN  
RICHARD ST. JOHN  
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CAROLYN HOECKER LUEDTKE  
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SUSAN R. SZABO  
KIMBERLY A. CHI  
JACOB S. KREILKAMP  
ERIC P. TUTTLE  
HEATHER E. TAKAHASHI  
KEITH R.D. HAMILTON, II  
SORAYA C. KELLY  
JEFFREY Y. WU  
ALISSA BRANHAM  
ADAM R. LAWTON  
JENNY H. HONG  
AARON SEWI LOWENSTEIN  
LAURA D. SMOLOWE  
MATTHEW A. MACDONALD  
MARGARET G. MARASCHINO

ESTHER H. SUNG  
BENJAMIN J. MARO  
MICHAEL J. MORGAN  
KYLE A. CASAZZA  
ERIN J. COX  
CLAIRE YAN  
ALLISON S. WOODS  
JESLYN A. MILLER  
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PETER E. GRATZINGER  
ANJAN CHOUDHURY  
JEREMY A. LAWRENCE  
BENJAMIN E. FRIEDMAN  
CHRISTOPHER M. LYNCH  
RAY S. SEILIE  
NICHOLAS C. SOLTMAN  
ADAM I. KAPLAN  
AMELIA L.B. SARGENT  
KENNETH M. TRUJILLO-JAMISON  
BRYAN H. HECKENLIVELY  
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JASMINE M. ROBERTS  
JENNIFER A. JONES  
LAURA K. LIN  
KYLE W. MACH  
JEFFREY M. OSOFSKY  
GREGORY M. SERGI  
ACHYUT J. PHADKE  
DAVID A. TAYLOR  
TINA W. ARROYO  
MARI OVERBECK  
JESSE MAX CREED  
JOHN M. GILDERSLEEVE  
ERIC K. CHIU  
SARAH L. GRAHAM  
JESSICA BARCLAY-STROBEL  
ZACHARY M. BRIERS  
JENNIFER M. BRODER  
CHRISTINA P. MONIODIS  
JOHN P. MITTELBACH  
SARAH GARBER  
SAMUEL T. GREENBERG  
CAROLINE M. M'KAY  
EMILY B. VIOLETTA  
WILLIAM J. EDELMAN  
KEVIN L. BRADY  
EMILY R.D. MURPHY  
ELLEN MEDLIN RICHMOND

NICOLE S. PHILLIS  
JORDAN D. BEGALL  
DANIEL J. HARRIS  
VICTORIA A. DEGTAREVA  
WESLEY T.L. BURRELL  
CHRISTA L. CULVER  
AMY J. GOLDSTEIN  
KAREN A. LORANG  
KURUVILLA J. OLASA  
KEVIN H. SCOTT  
JUSTIN P. RAPHAEL  
HANNAH E. SHEARER  
ELIA HERRERA  
ROBERT W. GRAY, JR.  
THOMAS P. CLANCY  
JOSHUA PATASHNIK  
ERIC C. TUNG  
GUHA KRISHNAMURTHI  
JOSHUA S. MELTZER  
SARA E. CROLL  
ANDREW G. PROUT  
THANE REHN  
ADAM B. WEISS  
ROSE LEDA EHRLER  
AMY L. GREYWITT  
ANDREW Z. WOLSTAN  
NASSIM NAZEMI

## OF COUNSEL

RICHARD D. EBBENSHADE<sup>1</sup>  
ROBERT K. JOHNSON<sup>1</sup>  
ALAN V. FRIEDMAN<sup>1</sup>  
RONALD K. MEYER  
ALLISON B. STEIN  
SUSAN E. NASH  
WILLIANA CHANG  
MIRANDA KANE  
BRAD SCHNEIDER

E. LEROY TOLLES  
(1922-2008)

WRITER'S DIRECT CONTACT  
(213) 683-9260  
(213) 593-2960 FAX  
jacob.kreilkamp@mto.com

VIA ECF

Honorable Katherine B. Forrest  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

Re: National Credit Union Administration Board, et al. v. U.S. Bank National Association, et al. Case No. 14-cv-9928 ("NCUA")

Phoenix Light SF Limited, et al. v. U.S. Bank National Association, et al.  
Case No. 14-cv-10116 ("Phoenix Light")

(Rel. 12-cv-2865-KBF)

Your Honor:

I am counsel for Defendant Bank of America, N.A. ("BANA") in the above-captioned *NCUA* and *Phoenix Light* actions, and I write on behalf of BANA and Defendant U.S. Bank National Association (collectively, "Defendants"). Defendants' motions to dismiss the complaints in these two actions are due on February 27, 2015. Defendants seek the Court's permission to file a joint opening brief of up to 35 pages in *NCUA*, and a joint opening brief of up to 35 pages in *Phoenix Light* — rather than separate briefs of 25 pages each in each case. This proposal would reduce the total pages of opening briefs across the two cases from a maximum of 100 to a maximum of 70.

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Defendants' respective counsel have conferred, and believe that the substantial majority (if not all) of their arguments in support of their motions in *NCUA* will be the same, such that substantial duplication will be avoided through the filing of a joint brief. Likewise, Defendants' respective counsel believe that a substantial majority (if not all) of their arguments in support of their motions in *Phoenix Light* will be the same, such that a joint brief will avoid duplication there as well.

To the extent that Defendants' joint arguments in *NCUA* overlap with their joint arguments in *Phoenix*, they will avoid unnecessary duplication by incorporating and referencing arguments from the other case. However, Defendants do not believe that consolidated briefing *across* the two cases would be appropriate, because of distinct issues, including several related to the plaintiffs' standing to bring these claims, presented by the allegations of the two Amended Complaints.

Plaintiffs' counsel has indicated to me that Plaintiffs do not oppose this request (but reserve their right to request similar page limits for Plaintiffs' opposition briefs).

Sincerely,



Jacob S. Kreilkamp

cc: All counsel of Record (by CM/ECF)

Ordered

Applications granted.  
(Page limits = 40 pages)  
K. P. [signature]  
USDS

2/20/15